

On March 24, 2009, the Report was sent to the Plaintiff via U.S. Mail with notice to file any objections to the Report on or before April 10, 2009. (Doc. # 50.) On March 31, 2009, the Plaintiff filed objections to the Report (the “Objections”). (Doc. # 52.)

This matter is now before the Court upon the Magistrate Judge’s recommendation that the Plaintiff’s claims be dismissed. This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge’s findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the Objections thereto. For his Objections, the Plaintiff reiterates the several factual allegations made in his complaint. Specifically, he cites the more restrictive confinement conditions put in place during, and for a period shortly after, the prison riot that took place in his “pod.” During this period, confinement conditions of certain prisoners, including the plaintiff, were made more restrictive. Restrictions included, among other things, limited meal variety, more restrictive quartering, and less opportunities to exercise outside of their cells. (Doc. # 52.) The Court has carefully reviewed the Report and the Objections, as well as the pleadings, briefs, supporting affidavits and applicable case law, and finds no

error in the Magistrate Judge's Report. This Court concurs with the Magistrate's finding that the Plaintiff fails to set forth disputed material facts sufficient to maintain a colorable claim against the Defendants.

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ADOPTED** (Doc. # 49), the Plaintiff's Objections are **OVERRULED** (Doc. # 52), the Defendants' Motion for Summary Judgment is **GRANTED**, (Doc. # 29) and the Plaintiff's Complaint is dismissed with prejudice.

IT IS SO ORDERED.

s/R. Bryan Harwell
HONORABLE R. BRYAN HARWELL
UNITED STATES DISTRICT JUDGE

Florence, S.C.
June 18, 2009